

REMARKS **BEST AVAILABLE COPY**

Claims 1-8, 11-17, and 19-24 were pending in this application. All claims were rejected. Claim 17 has been amended herein. Reconsideration of the rejections of all pending claims is requested.

I. Rejection of Claims 1-8, 11-17, and 19-24 Under 35 U.S.C. §102(e)

Claims 1-8, 11-17, and 19-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Grooth (U.S. 6,571,285).

CLAIM 1

Claim 1 is independent and is reprinted as follows:

An electronic network comprising:
a first electronic device associated with a second electronic device, said association providing for the transfer of data between said first electronic device and said second electronic device;

a third electronic device, wherein said third electronic device:

loads a program in said first electronic device, wherein said program causes said first electronic device to: transmit data to said second electronic device, measure the response time of data transfers between said first electronic device and said second electronic device, and transmit said response time to said third electronic device;

compares the measured response time to a preselected response time; and

provides an indication if said measured response time is greater than said preselected response time.

Claim 1 recites a third electronic device that loads a program in the first electronic device. The applicant still does not see how this element of claim 1 is

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disclosed by Groath. The office action notes several portions of Groath that disclose monitoring a network and running programs, however, none of these sections of Groath refer to an electronic device loading a program in another electronic device as claimed in claim 1.

If this rejection is maintained, the applicant respectfully requests that the above-discussed elements of claim 1 be shown in a subsequent, non-final office action.

Based on the foregoing, Groath does not disclose all the elements of claim 1 and, therefore, cannot anticipate claim 1. Thus, the applicant requests reconsideration of the rejection.

CLAIMS 2-7

Claims 2-7 are dependent on claim 1 and are allowable by way of their dependence and for other reasons. Therefore, the applicant requests reconsideration of the rejections.

CLAIM 8

The applicant reiterates the rebuttal to the rejection of claim 1 into this rebuttal. The office action does not state where "loading a program" as claimed in claim 8 is disclosed in Groath.

In the absence of such specificity, the applicants contend that Groath does not disclose loading a program as claimed in the independent claims. Accordingly, Groath cannot anticipate claim 8.

CLAIMS 11-16

Claims 11-16 are dependent on claim 8 and are allowable by way of their dependence and for other reasons. Therefore, the applicant requests reconsideration of the rejections.

BEST AVAILABLE COPY**CLAIM 17**

The applicant reiterates the rebuttal to the rejections of claims 1 and 8 into this rebuttal. The office action does not state where "loading a program" as claimed in claim 17 is disclosed in Groath.

In the absence of such specificity, the applicants contend that Groath does not disclose loading a program as claimed in the independent claims. Accordingly, Groath cannot anticipate claim 17.

CLAIMS 19-24

Claims 19-24 are dependent on claim 17 and are allowable by way of their dependence and for other reasons. Therefore, the applicant requests reconsideration of the rejections.

In view of the above, all of the pending claims are now believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,

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